



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

Mary E. Switzer Building
330 C ST, S.W.
Washington, D.C. 20201

Case No: 18-F-0029
Civil Action 18-cv-0248

July 30, 2018

Ms. Katie O'Connor
Legal Counsel
Campaign for Accountability
611 Pennsylvania Avenue, SE, #337
Washington, D.C. 20003

Dear Ms. O'Connor:

This is the first interim response of the Administration for Children and Families to Ms. Katie O'Connor's October 27 2017, Freedom of Information Act (FOIA) request for records related to services for pregnant unaccompanied immigrant minors. Specifically, Ms. O'Connor sought the following items:

1. All records related to Office of Refugee Resettlement ("ORR") policy regarding services for pregnant unaccompanied immigrant minors in federal custody and/or housed at ORR grantee shelters. This request includes memoranda, directives, policy statements, policy interpretations, policy guidance, talking points, and other similar documents reflecting ORR policy.

2. All records related to ORR Director Scott Lloyd's visits to ORR grantee shelters that house unaccompanied immigrant minors. This request includes calendar entries, travel and accommodation requests and approvals, itineraries, briefing memoranda, and meeting notes.

3. All communications, meeting notices, meeting agendas, informational materials, talking points, or other documents received by representatives of ORR from, sent by representatives of ORR to, or exchanged between representatives of ORR and representatives of the Susan B. Anthony List, Concerned Women for America, the Heritage Foundation, the Center for Family and Human Rights ("C-Fam"), National Right to Life, Alliance Defending Freedom, Legal Works Apostolate, or the Knights of Columbus regarding services for pregnant unaccompanied immigrant minors in federal custody and/or housed at ORR grantee shelters. This request includes communications to or from anyone using email addresses from the following domains:

- a. @sba-list.org
- b. @cwfa.org
- c. @heritage.org
- d. @c-fam.org
- e. @nrlc.org
- f. @adfllegal.org

- g. @legalworks.com
- h. @kofc.org

4. All communications, meeting notices, meeting agendas, informational materials, talking points, or other documents received by representatives of ORR from, sent by representatives of ORR to, or exchanged between representatives of ORR and representatives of the White House regarding services for pregnant unaccompanied immigrant minors in federal custody and/or housed at ORR grantee shelters.

5. All communications, meeting notices, meeting agendas, informational materials, talking points, or other documents received by representatives of ORR from, sent by representatives of ORR to, or exchanged between representatives of ORR and members and staff of the U.S. Congress regarding services for pregnant unaccompanied immigrant minors in federal custody and/or housed at ORR grantee shelters.

Your request was sent to the Office of Refugee Resettlement (ORR) and the Office of the Chief Information Officer for a search for responsive records. Please find enclosed 360 pages of responsive records responsive in full to item #2 above.

Some of the information on the enclosed pages has been withheld under the FOIA exemptions (b)(4), (b)(5), (b)(6), (b)(7)(A), (b)(7)(C), (b)(7)(D) and (b)(7)(F).

Exemption (b)(4) of the FOIA protects trade secrets and commercial or financial information obtained from a person that is privileged or confidential, and is exemption is intended to protect the interests of both the government and submitters of information. In this case, the withheld information consists of business information such as hotel and rental car confirmation numbers. Disclosure of such numbers could allow their use for fraudulent purposes.

The exemption (b)(5) protects inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. The exemption protects agency deliberations, both internal and with agency contractors and consultants, attorney-client privileged records and attorney work product. In this case, the withheld information includes predecisional discussions within the agency and between agency staff and contractors about management of ORR programs and/or individual children and sensitive communications between agency staff seeking legal advice and counsel on policy and other matters.

The FOIA exemption (b)(6) permits the withholding of records which, if released, would constitute a clearly unwarranted invasion of personal privacy. In this case, the withheld information consists of the names, identity and/or other private information of private individuals and/or the identities of federal employees in sensitive positions and the work cell phones of federal employees. The withheld information also includes the locations of shelters housing vulnerable unaccompanied children and refugee centers. Public disclosure of this information would constitute an invasion of privacy of those individuals whose identifying information was disclosed. In particular, disclosing the locations of shelters subject the children to unwanted publicity and harassment. In withholding the information, the individual's privacy interest was balanced against any public interest in disclosure. In each instance where information was withheld, it was determined that the individual's privacy interests outweighed any public interest in disclosure of the withheld information. Disclosure of the withheld information

would invade the privacy of the subject individuals but would reveal nothing about the operations or activities of the government. Similarly, Exemption 7(C) provides protection for law enforcement information the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. In this case, the disclosure of information such as the locations or identities of unaccompanied children could subject vulnerable individuals to harassment and public hostility. The association of individual names in a law enforcement context could produce unwarranted publicity and embarrassment.

Exemption 7(A), authorizes the withholding of records or information compiled for law enforcement purposes that could reasonably be expected to interfere with enforcement proceedings. In this case, the withheld information concerns a pending and/or prospective law enforcement investigation.

Exemption 7(D) provides protection for records or information compiled for law enforcement purposes which could reasonably be expected to disclose the identity of a confidential source. In this case, the withheld information consists of reports to the investigators performing an investigation. If disclosed, the information could expose a source or sources of information who was/were held confidential when providing information for an investigation into the use of government funds.

The FOIA Exemption 7(F) protects law enforcement information that could reasonably be expected to endanger the life or physical safety of any individual. In this case, the withheld information consists of the information about specific refugee centers providing services to individuals who have fled to the United States for safety. Disclosure of this information could subject these individuals and the workers who assist them to hostile or threatening behavior or could help the forces they fled to locate them.

Sincerely yours,



Kimberly N. Epstein
FOIA Officer
Administration for Children and Families